

Part Five, Section B

Protocol on Member/Officer Relations

1. Introduction

- 1.01. The purpose of this protocol is to guide Members and officers of the Council in their relations with one another.
- 1.02. Given the variety and complexity of such relations, this Protocol does not seek to be too prescriptive or comprehensive. It simply seeks to offer guidance on some of the issues that most commonly arise. It is hoped, however, that the approach that it adopts to these issues will serve as a guide to dealing with other issues.
- 1.03. This Protocol is to a large extent no more than a written statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty. Nothing in this Protocol is intended to change this relationship. The purpose of this Protocol is to help Members and officers to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. The Protocol also gives guidance on what to do on the rare occasions when things go wrong.
- 1.04. This Protocol also seeks to reflect the principles underlying the respective rules of conduct which apply to Members and officers. The purpose of the rules and this protocol is to enhance and maintain the integrity (real and perceived) of local government by demanding very high standards of personal conduct.
- 1.05. An effective working relationship between Members and officers is crucial to the successful operation of the Council's business. This relationship within Haringey Council is characterised by mutual trust, respect and understanding between politicians and paid staff - this is one of the keys to achieving effective local government.
- 1.06. Members and paid staff each have their own separate Codes of Conduct. This code underpins those documents and focuses particularly on the interaction between Members and employees; deals primarily with Members' and officers' own separate responsibilities; and refers to the working relationship between Members and senior managers (Chief Officers and others) who formally advise the Council. The quality of the interface between Members and Officers is vital in ensuring that the highest ethical

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standards permeate the Council in both its private and public dealings.

- 1.07. The Protocol must be read and operated in the context of any relevant legislation and national and local Codes of Conduct and any procedure for confidential reporting.
- 1.08. Thus, this document brings together many of the practices and values which have previously contributed to successful partnership. These include for example
 - (a) a bias for equality, natural justice and reasonableness,
 - (b) an increased emphasis on joint working between Members, staff and external partners,
 - (c) an intention to be open, honest, to work corporately, and to encourage participation within and outside the authority.
- 1.09. Most issues can be resolved informally. Nevertheless, the Council is not prepared to condone misconduct or let it go unchecked.
- 1.10. Openness and accountability are overriding values for the Council. It therefore expects staff and Members alike to:
 - (a) report any irregularities or matters which they feel have been dealt with improperly, and
 - (b) provide any evidence they have of such matters.
- 1.11. Any alleged breach by staff will be dealt with under the Council's disciplinary procedure. Serious breaches will be dealt with as gross misconduct and could lead to dismissal. Any serious or alleged breach by Members will be investigated by the Monitoring Officer¹ and referred to the Leader or the relevant party group and/or Standards Committee for consideration and action.
- 1.12. Breaches of this protocol which also constitute a breach of the Council's code of conduct for Members (a separate document) may be referred by any person to the Standards Board, an outside body, for investigation.

¹ The Council's Monitoring Officer is the Head of Legal Services

2. Distinction of roles of Members and Officers

2.01. Mutual respect between Members and staff is essential to good local government. The respective roles of Members and staff can be summarised as follows: Members and staff are servants of the public and they are indispensable to one another. But their responsibilities are distinct.

- (a) Members are responsible to the electorate and serve until their term of office expires. As elected Members, they are responsible for determining Council Policy and Strategy.
- (b) Officers are employed by, and are responsible to, the Council and as such are responsible for implementing policy and delivering services. Their job is to give advice to Members and the Council, and to carry out the Council's work under the direction and control of the Council, the Cabinet, and relevant committees and the management of the Chief Executive and relevant Chief Officer.

3. Roles of Members

3.01. Members when acting as Councillors:

- (a) are elected democratically. It is their policies, ideas and decisions which people vote for (not those of staff),
- (b) represent the local community and ensure that its best interests are considered during policy making,
- (c) set the Council's strategic direction, its policy framework, corporate goals, overall priorities and targets,
- (d) develop policy proposals with professional advice from employees,
- (e) scrutinise the implementation and effect of their decisions,
- (f) add a political dimension,
- (g) act as advocates for the interests of constituents,
- (h) are accountable to the electorate for the delivery of their platform.

3.02. Members have three main areas of responsibility:

- (a) determining the policy of the Council and giving it political leadership,
- (b) representing the Authority externally, and
- (c) acting as advocates on behalf of their constituents.

- 3.03. While it is not the role of Members to involve themselves in the day-to-day operational decisions made by officers under delegated powers, Members will receive sufficient information to facilitate general performance monitoring of Services and will be kept informed about sensitive issues.
- 3.04. **Members of the Cabinet, Chairs and Vice Chairs** - Members of the Cabinet and Chairs and Vice Chairs of Committees have additional responsibilities. Because of those responsibilities, their relationships with employees may be different from, and more complex than those of Members without those responsibilities, and this is recognised in the expectations they are entitled to have.
- 3.05. **Opposition Members** - Members shall be given timely access to information that they request that they require in their role as Members. As individual Members of the Council, all Members have the same rights and obligations in their relationship with employees and should be treated equally. This principle is particularly important in the context of scrutiny and overview. However, where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between staff, particularly those at a senior level in the organisation, and the administration shall differ from that with opposition groups.

4. Roles of Officers

- 4.01. Officers are employed by the Council to:
- (a) deliver services to the community according to the policies and requirements set by the Council,
 - (b) work within and pursue Council policies and priorities unaffected by personal inclinations,
 - (c) undertake a variety of roles within the organisation.

At senior level that role may include:

- (d) a specific duty to ensure that the Council acts lawfully,
- (e) drafting policy proposals which accord with the overall framework set by Members,
- (f) giving professional advice in the course of policy development,

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- (g) managing the organisation,
- (h) being accountable to Members for the achievement and strategic goals they set.

At more junior levels the role will include:

- (i) working to establish systems and protocols designed to deliver services fairly and equitably,
- (j) working to the instructions of their managers, and not to individual Members of the Council - whatever office a Member might hold,
- (k) responding to Members' questions on service practice
- (l) being accountable to their manager and ultimately their Chief Officer.

4.02. The primary role of staff is to give advice and information to Members and to implement the policies determined by the Council.

4.03. Certain officers e.g. Head of Paid Service², Monitoring Officer, Chief Financial Officer³ (Section 151 Officer) and the Statutory Chief Officers have responsibilities in law over and above their obligations to the Authority and its Members which they must be allowed to discharge.

5. Reasonable Member expectations

5.01. Members can expect from officers :-

- (a) a commitment to the Authority as a whole, and not to any political group,
- (b) respect, dignity and courtesy - to be helpful, respectful and courteous to Members,
- (c) a working partnership,
- (d) to do their job effectively and efficiently, and provide best value services,
- (e) an understanding of and support for respective roles, workloads and pressures,
- (f) keeping to the standards of work and conduct set by the Council,

² The Head of Paid Service is the Chief Executive

³ The Chief Financial officer is the Director of Corporate Resources

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- (g) training and development in order to carry out their role effectively
- (h) assist Members in carrying out their role as Members dealing with Council business
- (i) refuse to assist Members with
 - (A) Private business
 - (B) Party political or campaigning activity (except insofar as the law⁴ allows for officers appointed as political assistants)
- (j) timely response to enquiries and complaints
- (k) to deal with Members' enquires fairly, efficiently, truthfully and without omission of relevant information,
- (l) to work with all Members equally and fairly,
- (m) to act lawfully,
- (n) to give advice or recommendations based on reasoned options - ensure that Members have all the information necessary to make informed judgements,
- (o) professional advice, not influenced by political views or preference, which does not compromise the political neutrality of officers
- (p) awareness of and sensitivity to the political environment,
- (q) regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold
- (r) integrity, mutual support and appropriate confidentiality - maintain confidentiality where it is proper for them to do so,
- (s) to never canvass Members or otherwise seek to gain favour from them for personal or career advantage - that staff shall not use their relationship with Members to advance their personal interests or to influence decisions improperly
- (t) never contact Members over the heads of managers about personal employment issues,
- (u) avoid contacting Members at potentially inconvenient times unless in an emergency or otherwise agreed,
- (v) That staff shall at all times comply with the relevant Code of Conduct.

6. Reasonable Officer expectations

6.01. Officers can expect from Members:-

- (a) a working partnership,

⁴ Section 9 the Local Government and Housing Act 1989

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- (b) respect, dignity and courtesy - to be treated them in a reasonable manner,
- (c) Political Leadership and direction,
- (d) an understanding of and support for respective roles, workloads and pressures,
- (e) to be open and honest with them,
- (f) act lawfully
- (g) integrity, mutual support and appropriate confidentiality - to respect confidentiality when proper to do so
- (h) fully consider advice and recommendations for the purpose of making informed judgements
- (i) accept that officers
 - (A) are accountable to their manager
 - (B) act independently of political bias
- (j) avoid getting involved in the day to day management of the Council,
- (k) avoid asking officers to breach Council policy or procedures, or to act unlawfully, or outside the terms of their job,
- (l) avoid asking for or using influence or pressure to get special treatment for themselves or others,
- (m) avoid seeking access to resources or information held by the Council to which they have no right or for an improper purpose,
- (n) avoid asking staff to take sides in party politics, discussions of political decisions or differences, or criticism of other Members - even during the overview and scrutiny process,
- (o) not to be subject to bullying or to be put under undue pressure. Members should have regard to the seniority of officers in determining what are reasonable requests, having regard to the power relationship between Members and officers, and the potential vulnerability of officers, particularly at junior levels,
- (p) that Members shall not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly,
- (q) respect the private life of the employee. Members needing to deal with an urgent matter out of hours will normally contact the Council's call-centres. They have access to relevant staff who are on duty or on-call
- (r) that Members shall at all times comply with the relevant Code of Conduct.

7. Basic principles of Member Officer relations

The Principle of impartiality

7.01. Officers are employed by the Council, not by committees or individual Members, and are subject to the Council's employment procedures. They serve the Council and are responsible to the Chief Cabinet and their respective Directors and not to individual Members of the Council whatever office they might hold. All officers will ensure that: -

- (a) they respect the individual rights of all Members,
- (b) they serve all Members and not just those on the controlling group,
- (c) they will operate even-handedly with Members engaged in all aspects of the Council's function:-
 - (i) Cabinet, or
 - (ii) overview and scrutiny, or
 - (iii) area assemblies, or
 - (iv) other committees
- (d) they will offer appropriate support to co-opted or independent Members,

7.02. Reports to committees should be written by the Chief Officer or another officer authorised by him or her. The report is the officer's and may not be amended unilaterally by the Chair, Cabinet Member or any other committee Member. However, in writing reports officers must aim to promote Council policies and priorities and must be sensitive to the proper concerns of individual Members. A committee Chair, Cabinet Member or individual Member cannot instruct an officer not to present a report to a committee if the officer has sound professional or management reasons for doing so. If the Chief Officer's report is not regarded as appropriate by the Chair or Cabinet Member, the remedy is for the committee / Cabinet Member to reject its recommendations or refer it back. Exceptionally the Chair / Cabinet Member may write his or her own report in addition to the report submitted by the Chief Officer. In this instance the Chair / Cabinet Member should under no circumstances pressure the Chief Officer to withdraw the original report.

7.03. By law, Members cannot be employed by the Council.

8. Officer relationships with party groups

8.01. Representations to political groups - Members and officers must understand that Council decisions can only be made by Full Council,

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the Cabinet, committees, or Chief Officers or Cabinet Members acting under delegated authority. Decisions by party political groups do not constitute Council decisions and should not be so presented to the public and press. Representations by interested parties on any matter for Council decision should be made to the appropriate committee, and not exclusively to a political group, at which officer advice on the points raised is unavailable.

- 8.02. Party groups may ask the Chief Executive (or, in their absence another Member of the Management Board) to provide a senior employee to brief them on Council business in a professional capacity. Such requests are likely to be rare rather than regular. Other party groups will be similarly served should they so request. Normally, only the Chief Officer shall be expected to attend meetings or write reports for a party political group. At the appropriate Chief Executive's discretion, other senior officers may on occasions be invited to attend or write reports. However, neither the Chief Officer nor any other officer can be so instructed. This provision covers meetings of or reports to a party political group, or meetings designated for one party only. It is of course open to any committee to require a report from a Chief Officer on a matter within its terms of reference.
- 8.03. Members will respect the political neutrality of any employee attending a group meeting. As the Chief Executive decides which employee shall attend, it would become unfair for the employee to be identified with that party.
- 8.04. Officers will respect the confidentiality of any party discussions at which they are present and, in particular, they will not relay any such discussion to another group.
- 8.05. Officers may also be asked to give support in other ways such as briefing Chairs or spokespeople before a formal meeting. In practice, such support is likely to be in the most demand from the party group in control of the Council, but is equally available to all groups.
- 8.06. It is important though, for there to be regular contact between the Chief Executive, Directors, senior officers and the Leaders of Political Groups on matters affecting the Council: and between Directors, other senior officers, and Cabinet Members on matters affecting their respective portfolios.
- 8.07. Senior officers, except those who are not politically restricted, cannot be Councillors or Members of Parliament, nor can they "speak or publish written work for the public at large or to a section of the public with the apparent intention of affecting public support for a political party". For example, they may not hold office in a political party, act as an agent, or canvass at any election, nor speak or write publicly on matters of party political debate. Such officers are

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nevertheless able to engage in such activity to "such extent as is necessary for the proper performance of their duties". (Sections 1-3 Local Government and Housing Act 1989 and Local Government Officers (Political Restrictions) Regulations 1990).

- 8.08. Preparation of reports - Any report to a party political group from a senior officer should be written as if the report was being prepared for the relevant committee, should include appropriate legal and financial advice, and must be accessible to Members of other parties. This reflects current legislation on access to information and the reality that the consideration of an issue in the party political group often represents an early stage of the decision making process.
- 8.09. Political groups, Cabinet Members and committee Chairs will often receive draft versions of committee reports in order that they may give preliminary consideration to the issues raised in them. There is nothing improper in this but there should be no expectation that reports will then be re-written. Committee reports contain officer advice and if this is at variance with the wishes of Members, the correct course is for Members to reject the advice in open committee and for the committee to decide upon an alternative course of action. However, there is equally nothing improper in reports being amended by the Chief Officer if this preliminary consideration discloses that key issues have not been adequately explained or that relevant options have not been properly addressed. Where a report to a committee has been considered in draft by a political group and amended in the light of that prior consideration, this should be stated in the final report and a copy of the earlier draft should be made available to the Shadow Cabinet Members and Shadow Chairs of the relevant committee.
- 8.10. Proper communication between Members and officers - Chief Officers must recognise that it is their duty to keep Members of all political groups (and not just Members of the majority party) fully informed about developments of significance in relation to Council activities. Chief Officers must also report promptly to the relevant Cabinet Member / committee any significant failure to implement a decision of that Cabinet Member / committee.
- 8.11. All should understand that:
- (a) Employee information is limited to giving information and advice about Council business - it is improper for them to be involved in party business,
 - (b) It is best if officers are not present when party business is being discussed - the meeting should be structured to ensure this,
 - (c) Party group meetings can not make council decisions and any conclusions reached cannot be interpreted as such or acted upon

- (d) Where staff provide information and advice to a political group this cannot act as a substitute for providing all necessary detailed information to a formal meeting,
- (e) Officers will take care not to disclose confidential information to a party group that includes non-Members. As such, a person would not be bound by Council standards on declaration of interests and confidentiality.

9. Complaints and constructive criticism

- 9.01. Contact between Members and officers should always be courteous both in public and in private. From time to time, the relationship between Members and staff may break down or become strained. Whilst it shall always be preferable to resolve matters informally, through conciliation by an appropriate senior manager or Member, staff shall have recourse to the Council's Monitoring Officer, as appropriate to the circumstances. The Monitoring Officer shall decide whether the matter should be referred to the Chief Executive. The Chief Executive, who, having advised the Leader of the Council and where appropriate, the appropriate Group Leader shall decide on the course of action to be taken, following consultation with the Chair and Vice Chair of the Standards Committee.
- 9.02. In the event that a Member is dissatisfied with the conduct, behaviour or performance of an employee, the matter should be raised with the appropriate Director. Where the matter concerns a Director, it should be raised with the Chief Executive as Head of the Paid Service. A complaint about the Chief Executive should be raised with the Leader, who will consider whether the issue can be dealt with as part of routine liaison, supervision and appraisal, or should be referred for formal action in accordance with Council procedures and the statutory provisions governing disciplinary action against local authority chief executives. This does not however preclude a Member from making public, at a Council meeting or in another appropriate way, a concern about the manner in which a Council Department has acted, or dealt with a constituent, or a service has performed generally. Nor does it prevent Members at committee being critical of officer advice or action or of the quality of reports before them. But the manner of such criticism should have regard to the guidance issued within this document.
- 9.03. On rare occasions, a Member may wish to make a complaint against, or criticise the actions of an employee. Similarly, an employee may wish to complain about the conduct of a Member. Where the matter cannot be dealt with informally, they should use the appropriate procedure to deal with such cases.

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9.04. Members should ensure that:

- (a) any criticism is constructive and well-founded
- (b) they avoid personal attacks on staff
- (c) they have regard to the level of seniority of staff when questioning or criticising

9.05. Such actions would be damaging to effective working relationships and to the public image of the Council. An employee may take unfounded or unfair criticism as grounds for resignation. They could then bring a claim for constructive dismissal against the Council.

9.06. These principles are particularly important during meetings of overview and scrutiny committees

Formal complaints about Officers

9.07. Complaints about officers should be made to the relevant service head or Director.

9.08. Within 5 days, they will:

- (a) acknowledge your complaint
- (b) say if they intend to take action, or
- (c) say how long they need to investigate

9.09. Members have a right to know if action has been taken to correct a matter, but they must not either

- (a) seek to influence the level of disciplinary action to be taken against the officer, or
- (b) assist (or appear to insist) that an employee is disciplined
- (c) say how long they need to investigate

9.10. In all cases, Members and officers have an obligation to maintain confidentiality throughout.

9.11. Members have a right to be told the outcome of any disciplinary action case, but not the detailed information about the hearing or its conduct. If they are not satisfied that effective action has been taken, they may refer the matter directly to the Chief Executive for independent assessment.

9.12. Once the issue has been resolved, whatever the outcome, professional behaviour is expected from all involved. Any continued grudge may lead to unrest and it is not in the Council's interests. Any difficulties of this sort may be referred

- (a) By the **employee**: to their service head, or

(b) By the Member: to their party group Leader

9.13. Members must avoid becoming involved in any employee related matters as this could jeopardise official consultation, grievance, disciplinary and appeal procedures

Formal complaints about Members

9.14. These may be made to the employee's Service Head. Within five working days, they will give an indication of how the matter will be dealt with and roughly how long it might take. Any complaint by a Chief Officer should be referred to the Chief Executive.

9.15. Normally they will:

- (a) inform and involve the Monitoring Officer, and
- (b) advise the Leader of the party group of the complaint.

The Monitoring Officer may reject a complaint made under paragraph 9.16 (a) or (b) below on the grounds that it is vexatious, plainly ill-founded or substantially the same as a complaint previously determined under the procedures below. There is no right of appeal against the Monitoring Officer's ruling but this is without prejudice to any statutory rights to pursue the matter which the complainant may have. The Monitoring Officer has no power to reject a complaint made under the Members' Code of Conduct which must be considered by a Standards Assessment Sub-Committee.

9.16 Complaints will be handled under one of the following procedures:

- (a) Through a process of mediation if this is appropriate and both parties to the complaint agree; or
- (b) Through an internal investigation by the Service Head or their appointee. The Service Head will consult the Head of Human Resources and the Monitoring Officer about the arrangements for the investigation and may appoint an appropriate person from within or outside the complainant's Service/Directorate to investigate. Whenever practicable an investigation will be completed within 6 months but there may be circumstances where this is not possible. This procedure is distinct from the statutory procedures under the Members' Code of Conduct;
- (c) Through a formal complaint under the Members' Code of Conduct which is appropriate for more serious cases, or if the officer concerned requests it, provided that the facts fall within the scope of the Code.

Only one of the three procedures will be pursued at any time but a complainant has the right to discontinue under one procedure and to start the complaint afresh under another procedure. The advice of

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the Service Head and the Monitoring Officer on the options available in terms of procedures will be given to the complainant when the complaint is first made and before any change to a different procedure.

- 9.17 An officer making a complaint can ask the Monitoring Officer to advise whether the matter might amount to a potential breach of the Members' Code of Conduct. At all times, a complainant has the right to make a formal complaint that a Member has acted in breach of the Code of Conduct and any such complaint will be referred to an Assessment Sub-Committee of the Standards Committee for a decision as to whether it should be investigated under the Code. But not all complaints will fall within the scope of the Code and complainants will be advised wherever possible to refer less serious complaints to mediation or internal investigation.
- 9.18 Some issues are matters of party discipline. Such breaches of this protocol will normally be dealt with by the party itself. More serious breaches falling under the Members' Code of Conduct, and where the Monitoring Officer advises that this is appropriate, will be referred to the Standards Assessment Sub-Committee by the party Leader and/or by the complainant.
- 9.19 Complaints under paragraphs 9.16 (a) and (b) will be kept confidential to the parties to the complaint, the investigator, persons interviewed in the course of the investigation, the party Leader and the Monitoring Officer. Complaints under 9.16 (c) follow the statutory procedure.
- 9.20 The outcome of complaints handled under paragraphs 9.16 (a) and (b) will be reported regularly by the Monitoring Officer to the Standards Committee for monitoring and for the Committee to consider issuing guidance on ethical governance to the Council in the light of cases.

10. Members using Council Services

- 10.01. When Members use Council services as a resident of the borough, they will ensure that they
- (a) do nothing to seek preferential treatment
 - (b) expect the quality of service equivalent to that offered to other residents
- 10.02. The employee providing the service will
- (a) treat the Member concerned in the same way as any other customer
 - (b) maintain full confidentiality where this is appropriate.

11. Members in their ward role and officers

Involvement of Ward Councillors

11.01. Whenever a public meeting is organised by the Authority to consider a local issue, all the Councillors representing the Ward or Wards affected should as a matter of course be invited to attend the meeting, the maximum possible notice being given. Similarly whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Councillors should be consulted before the outset of the exercise.

11.02. Ward Councillors should be notified in advance about any issues likely to affect them. This would include press releases relating to a particular Ward or significant matters likely to affect a Ward.

Member advocacy for constituents

11.03. One key role of Members is to represent the interests of their constituents. But in doing so, they must ensure that they:

- (a) Make officers aware of any personal or financial interests,
- (b) Avoid seeking special treatment on account of such an interest.

11.04. Members should avoid improper influence on staff with delegated authority to make decisions for the Council. This might lead officers to make decisions that

- (a) are against normal procedures or Council policy,
- (b) breach the Code of Conduct for officers,
- (c) conflict with the Council's Constitution, procedure rules or financial regulations,
- (d) are unlawful
- (e) are not objective and cannot be accounted for,
- (f) favour unfairly, one individual person or group over another.

11.05. Officers have a duty to report to their service head or Director any attempt to exert improper influence. The Chief Executive may investigate any such case as necessary.

Staff as constituents

11.06. Staff who live in the borough may, of course, attend local events, area assemblies, public meetings or ward surgeries in a personal capacity. The employee, as a resident and citizen may wish to voice concerns about certain services or facilities in the area, or to ask questions or make suggestions. This is natural and acceptable

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provided that certain boundaries are maintained. Staff should take care not to:

- (a) maliciously undermine the Council by adverse or negative comments,
- (b) raise personal issues concerning their employment,
- (c) disclose confidential information gained in the course of work,
- (d) raise such issues with the Member in a work setting.

11.07. Members will respect the rights of the employee as a citizen. They will not:

- (a) treat the individual concerned as an employee at such meetings,
- (b) raise work issues with the employee,
- (c) discuss or disclose private matters in the workplace,,
- (d) show favour to those who live in the Borough or those who originated from the area,
- (e) hold grudges against staff who raise reasonable concerns in public forums.

12. Member access to documents and information

12.01. Approaches by Members to junior officers are proper when casework is detailed and ongoing or matters are routine, but wherever appropriate Members should keep Directors of departments informed by copying them correspondence, e-mails, etc., and routing general enquiries through them. Serious problems can arise if Members bypass appropriate lines of communication to Chief Officers and their senior colleagues and, for example, deal with more junior Members of staff to seek views on policy issues, non-routine business, or attempt to give instructions to staff. This has the effect of depriving Members of the formal, informed and accountable advice they have a right to expect from Chief Officers and which they have a duty to consider. It may also serve to undermine the formal accountability of staff to their line manager. Staff will not normally copy correspondence between them and a Member to another Member, unless they have a justifiable reason for doing so or have been requested to do so by the first Member. Otherwise, the employee will inform the Member and discuss the matter before doing so.

12.02. All Members have a statutory right to inspect documents containing material relating to any business to be transacted at a meeting of the Council, a Committee or Sub-Committee. This right applies whether or not the Member has a "need to know" and it permits a Member to

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see documents within some, but not all, categories of "exempt" information (for these categories see above in Part 4, Access to Information Procedure Rules). The permitted categories are information within paragraphs 7, 8, 10, 13 & 15 of Part 1.

- 12.03. Normally, officers will accept that Members do not ask for information without good reason and will not question the Member's "need to know". But in the words of relevant legal judgements, a Member has no right to a "roving commission" and "mere curiosity or desire" is not sufficient. Nor can the Member exercise the right for some improper motive, e.g. to assist someone in litigation with the Council, its staff, suppliers or service users.
- 12.04. In rare cases, therefore a Chief Officer may apply the "need to know" test. The Member will need to show why the information is necessary to fulfil Council duties. Where an officer considers that a Member has not established a "need to know" in support of a request for access to information and refuses to provide the information requested, the officer shall state reasons for doing so.
- 12.05. A Member asking for complex or bulky information should be flexible in his or her demands if compiling and reproducing the documentation results in significant cost to a department. The Member will normally be able to retain material for a reasonable time, and to copy individual documents, but may not make use of such information for an improper purpose or one unrelated to the Member's duties as a councillor. The courts have given guidance on the circumstances in which a Member seeking information from an officer can be presumed to have a "need to know".
- 12.06. It may not always be appropriate for officers to provide copies of documents to Members in certain highly sensitive or confidential matters. In such circumstances, on the advice of the Monitoring Officer, Members may be offered an appointment to view documents within Council offices without the supply of copies
- 12.07. Members are presumed to have a good reason for access to all written material relating to a function controlled by a committee on which they served, and a Member of a committee would have a good reason for access to papers relating to the business of a sub-committee of that committee.
- 12.08. A Member with a legitimate concern in a matter in which they are representing a constituent or other person or organisation will also be able to demonstrate a "need to know" in relation to papers relevant to that matter, even if the Member concerned is not on the relevant committee.
- 12.09. However, even where a Member is a Member of a committee and wishes to see papers relating to the work of that committee or a sub-

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committee of it, there will not be an automatic right of access to papers if the Member's interest springs from something other than the wish to pursue rights as a Member of that committee.

- 12.10. Party leaders should be presumed to have a good reason for access to written material relating to all committees, unless there is cause to think that the information may have been requested for an improper purpose or is otherwise unreasonable.
- 12.11. In this context, the courts have been critical of a request by a Member for details of many contracts, and have ruled that a request for details of a Chief Officer's attendance at the office amounted to harassment.
- 12.12. In order to give effect to the guidance set out above, officers will be required on occasion to ascertain the reasons for a request for information. Requests for information can be refused pending the provision of such reasons.
- 12.13. In the event of a dispute between a Member and a Chief Officer over the release of sensitive information, definitive advice on the legal issues will be given by the Monitoring Officer. This shall not preclude the Member from making an application to the Leader and the appropriate Cabinet member under the next paragraph.
- 12.14. In the event of a dispute, as mentioned in the last paragraph, any Member may apply to the Leader and the appropriate Cabinet Member for a decision (an access to information determination). This would be a decision whether or not to release information to the Member applying, even though that Member had not established a "need to know" or other right to obtain the relevant information. Any such decision should be regarded as a matter of policy on releasing information but not determinative of any legal issue.
- 12.15. Before taking a decision on an access to information determination, advice on any legal issues should be sought from the Monitoring Officer. The decision should take into account the reasons given by the Member applying for seeking the information, the role of that Member within the Council and the benefits and risks for good administration inherent in releasing the information requested.
- 12.16. In making such an access to information determination there must be a statement of the extent to which any information released can be shared with any other person(s) if at all. Any Member receiving information after an application must respect the statement on sharing that information.

Member Enquiries

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- 12.17. Each Director / Head of Service is responsible for ensuring that Member enquiries are dealt with promptly and accurately in his or her directorate. Members will normally pursue enquiries
- (a) at senior level (usually an appropriate line or service manager), or
 - (b) with officers whose role includes liaison with Members.
- 12.18. Other officers might feel awkward, unsure, or unduly pressurised to comply with Member requests.
- 12.19. The Council has a 10-day timescale for handling Member enquiries. This limit applies whether you make the enquiry in person, by phone, by electronic mail, or in writing. Members can therefore expect a full response within 10 days, unless it is impossible to meet the deadline. If the case, staff will tell you within 10 days what they are doing to pursue the matter and when you can expect a full response.
- 12.20. If an enquiry is very time consuming, the officer may discuss the enquiry's impact on other work with the Member and senior Members or managers.
- 12.21. Members are free to approach any other Council department for any information, explanation or advice that they need to assist them in carrying out their role as a Member. But Members will not request information
- (a) about a matter in which they have an interest to declare, or
 - (b) that they have no "need to know" (unless the Member considers that there is good ground for applying for an access to information determination).

Personal Information

- 12.22. Members should ensure that a complaint (as distinct from an enquiry) on behalf of a constituent is put through the official complaints procedure.
- 12.23. The Data Protection Principles have the effect that Members are not entitled to personal information about an individual (say an employee) unless access is authorised by the data subject. Members will therefore avoid asking information about an individual unless there is a signed authorisation by the data subject.
- 12.24. Where the Member represents the Ward in which the data subject lives and the Member is acting on behalf of the data subject, consent will be presumed without signed authorisation except where the information is of a particularly sensitive kind.

Council documents

- 12.25. All Members (even those not on the relevant committee) have a legal right to inspect any Council document provided that they can show that it contains
- (a) information reasonably necessary to enable them to perform their duty as a Councillor (the “need to know” principle),
 - (b) material related to any business to be transacted at a committee meeting. This rule is set out in detail in paragraph 12.2 above.
- 12.26. The term “Council Document” is very broad and includes any document produced on Council resources. However, by convention Members of one party group will not have “need to know”, and therefore a right to inspect, a document which forms part of the initial workings of another party group.
- 12.27. Sometimes, a Member’s “need to know” will be presumed. For example, a Member is unlikely to be refused opportunity to inspect documents relating to the functions of a committee on which they sit. At other times, for example when documents contain personal information about third parties, the Member will need to satisfy the service head about their “need to know”. This is subject to a Member’s right to apply for an access to information determination.

Correspondence

- 12.28. Approaches by Members to junior officers are proper when casework is detailed and ongoing or matters are routine, but wherever appropriate Members should keep Directors of departments informed by copying them correspondence, e-mails, etc., and routing general enquiries through them. Serious problems can arise if Members bypass appropriate lines of communication to Chief Officers and their senior colleagues and, for example, deal with more junior Members of staff to seek views on policy issues, non-routine business, or attempt to give instructions to staff. This has the effect of depriving Members of the formal, informed and accountable advice they have a right to expect from Chief Officers and which they have a duty to consider. It may also serve to undermine the formal accountability of staff to their line manager. Staff will not normally copy correspondence between them and a Member to another Member, unless they have a justifiable reason for doing so. The employee will inform the Member and discuss the matter before doing so.
- 12.29. Staff who write to a Member or a group of Members will clearly indicate
- (a) the names of any others who have been sent the same correspondence.
 - (b) include any who have been copied in for their information,

- (c) act in the spirit of openness and avoid "blind" copies.

Confidentiality

12.30. Where any document, correspondence or information is stated to be confidential, Members and officers will strictly observe this.

13. Press Releases and Publicity

13.01. Haringey Council's aim is to make Haringey one of the best places to live and work in London (by 2005). Central to achieving this aim is how residents, businesses and opinion formers perceive Haringey through its public face in the local and national media. An effective and proactive PR and media protocol is a vital part of improving perceptions.

13.02. This protocol aims to:-

- (a) set out procedures for continuing to develop an effective relationship with the media,
- (b) clarify the expectations of Members and officers within the new governance arrangements.

13.03. All publicity activities carried out by the Communications Office will be in accordance with the Code of Recommended Practice on Local Authority Publicity issued by the DLTR. Key points of the code are:-

- (a) Section 2 of the Local Government Act 1986 states that a local authority shall not publish (or assist others to publish) material that, in the whole or part, appears to be designed to affect public support to a political party.
- (b) The code applies all the time, not only at elections, however, greater care needs to be taken in the run up to elections
- (c) The basic aim of the code is to ensure the proper use of public funds for the council's publicity work.

13.04. When deciding whether publicity may fall foul of the 1986 Act and or the 1988 Code, the Council must consider

- (a) content and style of materials,
- (b) timing and circumstances of materials,
- (c) likely effect on those to whom it is directed,
- (d) whether it refers to a political party or politician,
- (e) whether it advocates a particular view that can be easily identified with a political party,
- (f) if it is part of a campaign, the effect that the campaign is designed to achieve.

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13.05. The Code is clear that the Communications Unit may give to individual Members publicity support where it:-

- (a) is relevant to their position and responsibilities within the Council,
- (b) does not personalise the issues or promote personal image making,
- (c) is not capable of being portrayed as party political,
- (d) does not directly attack the policies or opinions of other parties, groups or individuals

The role of the Communications Unit

13.06. The Communications Unit works on behalf of Haringey Council as a whole. It is not for any political party.

- (a) The Communications team works to:
 - (i) provide high quality information about the Council, its policies and services
 - (ii) protect and promote the Council's reputation,
- (b) The Communications Team cannot:
 - (i) provide publicity support to individual Members - other than in their role as Council spokespeople
 - (ii) be seen to produce publicity that could be interpreted as party political

The role of the PR and Media Team

13.07. The PR and Media Team is part of the Communications Unit that deals specifically with media issues.

13.08. All media enquiries to the Council must be referred to the PR and Media Team. Sometimes media enquires will be received by an officer in another directorate. In these cases, the enquiry should be referred to the PR and Media Team as soon as possible and **before** any comment is offered. The PR and Media Officer will liaise with the relevant spokespeople (see **protocol section**) to produce an appropriate response.

13.09. All Council press releases and corporate publicity will come from Haringey's Communications Unit - in close discussion and liaison with Members and officers.

13.10. As well as responding to enquiries, the PR and Media Team will work with the Council spokespeople to identify emerging issues and policies to plan proactive publicity.

The Protocol

Key issues

13.11. Members will not discuss with or disclose confidential or exempt information to the press. They will not use the media to:

- (a) criticise officers unfairly,
- (b) make personal attacks on them,
- (c) undermine respect for them.

13.12. At the same time, Members expect staff to promote the policies and reputation of the Council. As with most large organisations, contact with the press and media is conducted through the PR and Media Office. This protects individual officers from unwanted media attention and allows the Council to properly manage its reputation.

13.13. Where possible, the Forward Plan, and other planning mechanisms, working groups and meetings will be used to identify key issues to be publicised.

Key spokespeople

13.14. The Council's key spokespeople are:

- (a) the Leader;
- (b) Cabinet Members within their portfolios;
- (c) the Chairs of the Overview and Scrutiny Committee, scrutiny panels, the General Purposes Committee, Planning Applications Sub-Committee and Licensing Sub-Committee; and
- (d) the Mayor.

They will be quoted or featured in publicity where it relates to their responsibilities on the Council.

13.15. Directors and senior Council officers will also act as spokespeople on their areas of expertise.

13.16. The role of the spokesperson is to present the facts about Council Decisions, the context in which they were taken, actions and issues faced by the Council. Spokespeople (both Members and officers) will receive media training to support them in this role.

13.17. Council officers will not discuss Council business with the press without prior permission from their service head or the PR and Media Office. This includes speaking, writing or giving interviews to the

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media. Officers will always refer press enquiries to the PR and Media Office in the first instance.

13.18. And no employee should ever:-

- (a) publicise confidential information gained in the course of work,
- (b) maliciously undermine the Council by adverse or negative comments,
- (c) take personal issues concerning their employment to the press,
- (d) bring the Council into dispute by extremity of their views

13.19. News releases issued by the Council will not contain quotes from Members other than, where appropriate, from the Leader or Cabinet Member or the Chair of a committee or sub-committee, or the Mayor acting in a civic capacity. News releases may quote appropriate officers, where these quotations are purely factual or consistent with Council policy.

13.20. Where a news release is issued after an Cabinet Meeting, Area Assembly or other committee meeting any comments must relate to matters discussed at that meeting. Advance news releases which contain matters due to be discussed, should be limited to factual information only.

13.21. The Communications Office will be guided by the Leader, Cabinet Member or relevant spokesperson on whether a news release should be issued before or after a meeting. The PR and Media Office will give advice as to whether this is appropriate. Where there is a difference of opinion between the Cabinet Member and an officer, it will be referred to the Leader and Chief Executive for a final decision.

13.22. When news conferences or media events are arranged the PR and Media Office will liaise with the Leader, Cabinet Member or spokesperson when setting up photo-calls or media events.

13.23. All party political news releases issued by Group Leaders, Chairs, Group Spokespersons or individual Members should state clearly that the release has been issued by that person not on behalf of the Council.

Scrutiny

13.24. A named PR and Media Officer is assigned to each Cabinet Member, the Overview and Scrutiny Committee and each scrutiny panel and will work with Members and officers to identify publicity issues and plan media strategies

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- 13.25. Publicity about scrutiny will concentrate on factual information about which scrutiny exercises the Council is conducting, who is involved, the processes they will follow and the decisions they will take.
- 13.26. Where scrutiny suggests a course of action that differs to or challenges one agreed by the Cabinet or any other Council-decision-making body, the Council will make this clear, together with the processes for resolving the difference.
- 13.27. Where decisions of the Cabinet are referred to Full Council for resolution, the PR and Media office will await the final decision of Council before conducting any other proactive publicity on the issue, save to report the outcome of the scrutiny exercise and factual information about what is happening.

Controversial information

- 13.28. On items of political controversy, Council publicity will feature the decision taken by the Cabinet or those actions taken within the broad policy framework set by the Council, subject to any call-in.

Publicity during an election

- 13.29. According to the amended 1988 Local Government Publicity Code, during the period between the notice of an election and the actual election the Council must avoid:
- (a) Proactive publicity of candidates and other politicians involved directly in the election
 - (b) Publicity that deals with controversial issues. Where this cannot be avoided, the publicity should present issues clearly, simply and fairly. Opposing points of view should be represented
 - (c) Publicity that reports views, proposals or recommendations in such a way that identifies them with individual Members or groups of Members

However the Council can:

- (d) Respond to events and legitimate service enquiries provided that the answers given are factual and not party political,
 - (e) Comment in an emergency on where there is a genuine need for a Member level response to an important event outside the Council's control.
- 13.30. The restrictions on publicity in an election period, apply equally to the publicity issued by third parties assisted by Council funding. Where it could be shown that Council funding is being used to pay for

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the charity's publicity, for example, then the Council should take reasonable steps to ensure that that organisation complies with the Code of Publicity.

Other matters

Information for Members

13.31. All Council press releases, and the .pdf versions of all corporate publications, will be available to all Members on the Council's Internet and Intranet (*Harinet*). Lists of press releases will be published in *Insight*, the fortnightly bulletin for Members.

13.32. All Members will receive support and training to help them understand the role of Communications and to enable them to use the Council's Communication's Unit most effectively.

Other publications

13.33. All Council publicity and publications, including *Haringey People*, will be produced in line with the Local Government Code of Publicity.

14. Working relationships and the Constitution

14.01. The Council's Constitution gives Members different roles in providing accountable and transparent government. Members may ask for support as a Member of the Cabinet, as part of the overview and scrutiny function, or as Members of an Area Assembly or another committee.

14.02. The Council expects officers to:

- (a) follow impartially the overall objectives of the Council and not to work against them. This includes supporting Members and taking direction from them in whatever constitutional role they have,
- (b) pursue every known lawful policy of the Council,
- (c) ensure that they do not allow their own personal or political opinions to interfere with their work

14.03. As officer support to Members must extend across all functions, Members should:

- (a) Avoid engaging officers in political differences between different functions,

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- (b) Accept that officers will not challenge the political direction they are given and will co-operate with it, unless
 - (i) It is illegal or
 - (ii) It is in conflict with the Council's Constitution

14.04. Within the framework of a formal meeting, it is natural that Members will make political statements. But Members should not:

- (a) involve officers in party politics or discussions of party politics,
- (b) assume that staff have allegiance to a political party,
- (c) embarrass officers by, for example, expecting them to take sides, agree with a party line or criticise other Members.

Cabinet functions

14.05. At a strategic level, it is legitimate for senior staff to seek political guidance in determining policy proposals.

14.06. However, when they write reports or give advice they have a duty to do so in their technical or professional expertise and to make Members aware of all the options available.

14.07. In turn, Members should not therefore, seek to influence unduly the technical content of reports to Committee. Staff must be able to report as they see fit, although Members are equally entitled to reject proposals and recommendations that are put in them.

14.08. In the interests of openness and accountability, Members should not expect officers to conceal improperly any political direction given to them.

Overview and Scrutiny

14.09. Among other things, such Committees review the decisions and actions of the Cabinet, and other decision-making bodies of the Council.

14.10. During this process, Members must distinguish between the roles of officers and Members in decision-making. Officers may be asked about their own advice, actions and performance but should not be asked to offer opinions on or pass judgement about:

- (a) Political issues,
- (b) The performance or actions of other Members, bodies of Members, or
- (c) The performance or actions of other officers.

14.11. Members should not ask managers to:

- (a) Take sides,

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- (b) Disclose improperly in one forum matters which are confidential to another
- (c) Conceal a matter that is not confidential.

14.12. Members should ensure that they do not criticise officers for following the political line given to them.

14.13. Members and officers should never hold a grudge against each other if, during the scrutiny process, they disclose a matter which it is proper for them to reveal.

Other Committees

14.14. Again Members should not ask managers to:

- (a) Take issue with or criticise political direction given in another forum,
- (b) Disclose improperly in one forum matters which are confidential to another
- (c) Conceal a matter that is not confidential.

14.15. Members and officers should never hold a grudge against each other if, in the course of serving a duly constituted committee of the Council, they disclose a matter which it is proper for them to reveal.